

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
April 10, 2008

CALL TO ORDER: Commissioner Lowery called the meeting to order at 3:00 p.m. The following members of the Commission, constituting a quorum, were present: Willie Brooks, George Brown Jr., Myron Lowery, Sharon Webb and Janis Fullilove. Sylvia Cox, Absent

Others in attendance included: Ricky E. Wilkins, The Law Offices of Ricky E. Wilkins; Zayid Saleem, City of Memphis Assistant City Attorney; Bridgett Hand-Clay, City of Memphis, Open Records Coordinator, among others.

APPROVAL OF MINUTES: Chairman Lowery noted that copies of the minutes from the Commission meeting of March 20, 2008, had been circulated prior to the meeting and asked if there were any changes or corrections. With no changes, the minutes were approved as presented.

Discussion of Proposed Charter Changes from the Master List

Chairman Lowery called the Commissioners attention to the Master list of proposed Charter Changes. Each item was discussed and given consideration. The following items listed below will be given further considerations.

1. Collection- Citations: The city loses 50% of revenues because of statute of limitation of 1 year. Add more time (more than 1 year), or have item put on docket after 90 days, if no payment. Section 2-12-2
2. Payment of court cost: 30 days to pay- after that- no recourse if not paid except to send a notice card- if not moving violation, 1 year status. If moving violation, after 1 year license can be revoked.
3. Where authority lies, the word “solely” (regarding contractual authority) is not in the Charter. Powers of Mayor vs. Council is issue, needs to be more clearly defined. Otherwise, believe part-time council work. Council should have contracting authority not just the Mayor. Example: pension fund- council was told they had no contracting powers so no council members could be on the pension board. Need to see the final contract before it is sealed.
4. Rotation of administrative judge (currently no provision for rotation)
5. Creation of 4th division of city courts - courts have not grown with the city. Charter calls for 2 sessions of court -increase sessions, possibly a night court or satellite court, possibly judicial commissioners, change in times of court sessions
6. Should charter at least have provisions for city growth to manage city court? Add divisions? Have always been 3 city judges

7. Does the charter specify number of city judges? Yes - it defines 3 divisions. Research needed to determine a 'formula' for authorizing flexibility of growth for city court sessions?
8. Judicial commissioner- can continue session past the "regular" court time.
9. Security - need authority to hire and/or make decisions regarding staff for security for the courts when in session (when judge believes court is not secure, can 'close court'). Police dept currently manages the security staff. Should have 2 bailiffs per court - need more police and/or private security.
10. Number of sessions and/or courts need to be increased - and number of judges. So many people have to appear on a given court date that they may be pleading guilty so that they don't have to wait or have to come back to court again. Wait is too long - people have to get back to work, get to their children, etc.
11. Need limitations on size of dockets.
12. Ms. Chumney proposes that the city Charter be amended to provide for a special election within sixty (60) days of the resignation of the Mayor. The public deserves the right to elect their Mayor and not be the victim of skullduggery or backroom deals to circumvent the democratic process.
13. Clarify the residence requirement of five years: Who determines whether a candidate has met the requirement and how is it determined (how is it documented)?
14. If runoffs are held, clarify the timing of runoff elections
15. Require the appointment of outside counsel on questions regarding municipal elections rather than using the services of the city attorney (is it a "conflict of interest" if the city attorney represents the city when it involves issues with election of city officials?)

Chairman Lowery stated at their next meeting the Commission will begin discussing and voting on the selected items from the Master list of citizen's recommendation. He recommended they invite Thomas Long, City Court Clerk representative, Judge Sugarmon, City Judges representative, and Steve Mulroy, County Commissioner to address the Charter Commission.

In addition, to the presentations, the Commissioners will vote on item 3 listed above. A 20 minute total deliberation time will be allotted for each particular item discussed by guest. In closing, Chairman Lowery stated he will extend the invitation to former City Council member Tom Marshall to discuss item 3.

ADJOURNMENT: There being no further business, the meeting was adjourned at 4:10 p.m. The next meetings of the Commission will be held on April 24, 2008, at 3:00 p.m.

Respectfully Submitted,

Bridgett Handy-Clay